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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. JAYCOB TYLER KUTZERA, Defendant.	CR 17-48–GF-BMM BRIEF IN SUPPORT OF UNOPPOSED MOTION FOR PRELIMINARY ORDER OF FORFEITURE
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The United States of America has moved for a Preliminary Order of Forfeiture, forfeiting the Defendant's right, title, and interest in the property listed below. 18 U.S.C. § 2253(a) and Rule 32.2, Fed. R. Crim. Proc. The Defendant admitted the forfeiture allegations in his plea agreement and does not oppose the

motion. L.R. CR 47.1(a). The basis for the government's motion is as follows:

1. On March 5, 2018, Defendant Jaycob Tyler Kutzera entered a plea of guilty to counts 1, 5, and 36 of the indictment which criminal forfeiture is sought, and he therefore forfeits his interest in the following property used to commit the offenses:

- HP Slimline Desktop computer, s/n 4C14220ZX4, and
- LG LGMS345 cell phone, s/n 512CYAS357768

See 18 U.S.C. § 2253(a).

2. A Preliminary Order of Forfeiture is necessary in order for the Department of Homeland Security to seize the property subject to forfeiture.

3. The facts as set forth in the plea agreement provides ample basis for an order of forfeiture in accordance with 18 U.S.C. § 2253(a).

4. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the Court may enter a Preliminary Order of Forfeiture after a verdict has been returned containing a finding that property is subject to criminal forfeiture, or if a defendant enters a guilty plea subjecting property to such forfeiture; Rule 32.2 does not require the Court to await sentencing in order to commence the ancillary proceeding by entering its Preliminary Order of Forfeiture.

5. Upon issuance of a Preliminary Order of Forfeiture, the United States will provide written notice to all third parties asserting a legal interest in any of the

above-described property and will post on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, of the Court's Preliminary Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct, pursuant to Title 18, United States Code, Section 982(b)(1) and Title 21, United States Code, Section 853(n)(1).

WHEREFORE, the United States moves this Court to immediately enter the Preliminary Order of Forfeiture tendered herewith, for the reasons set forth above.

Dated this 18th day of April, 2018.

KURT G. ALME
United States Attorney

/s/ Cyndee L. Peterson
CYNDEE L. PETERSON
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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. CR 47.2(c) the word count of the attached brief contains 375 words, excluding caption, and certificates of service and compliance.

/s/ Cyndee L. Peterson
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CERTIFICATE OF SERVICE

I hereby certify that on 4/18/18, a copy of the foregoing document was served on the following persons by the following means:

- (1) CM/ECF
- () Hand Delivery
- () U.S. Mail
- () Overnight Delivery Service
- () Fax
- () E-Mail

1. Evangelo Arvanetes, Attorney for defendant Kutzera

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